

**CITY OF NEWBERG CITY COUNCIL MINUTES**  
**OCTOBER 3, 2011**  
**7:00 P.M. MEETING**  
**PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held one hour preceding this meeting. A presentation was given by Code Enforcement Officer Cody Gardner on defaults and foreclosures (see official meeting record for full report). All Councilors and the Mayor were present; no action was taken; and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Members

|          |                   |                  |             |                  |
|----------|-------------------|------------------|-------------|------------------|
| Present: | Mayor Bob Andrews | Denise Bacon     | Ryan Howard | Stephen McKinney |
|          | Bart Rierson      | Wade Witherspoon |             |                  |

Members

Absent: Marc Shelton (excused)

Staff

|          |   |                                   |
|----------|---|-----------------------------------|
| Present: | Daniel Danicic, City Manager                    | Terrence Mahr, City Attorney      |
|          | Barton Brierley, Planning and Building Director | Norma I. Alley, City Recorder     |
|          | Dain Eichel, Interim Public Works Director      | Jennifer Nelson, Minutes Recorder |

Others

Present: Mayor Ted Crawford, Lesley Woodruff, Neal Klein, Karl Birky, James Oravetz, Lolly Peavy, and Marolyn Erb

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. SPECIAL PRESENTATION**

Mayor Andrews and Mayor Ted Crawford of Dundee read the 2011 Fitness Leadership Award nomination of Councilor Bart Rierson for his work on the Chehalem Paddle Launch and presented him with the award.

**V. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reminded the public there are several vacant committee positions and applications are due by Oct 14, 2011. He reported the Citizens' Rate Review Committee (CRRC) meets this Wednesday, October 5, 2011, at the Public Safety Building (PSB) at 7:00 PM to discuss water rates; gave updates on the bikeway project with the installation of sharrows and signage moving to the spring; and said a meeting with the Cultural Center and Chehalem Park and Recreation District (CPRD) will be held on October 12, 2011, to discuss the cultural district with the neighborhoods within the district.

## VI. SPECIAL PRESENTATION

1. Consider a motion approving a proclamation recognizing Officer Chris Rasmussen for displaying valor and extremely professional actions under significant and potentially deadly circumstances.
2. Consider a motion approving a proclamation declaring October 1-8 as “Days of Culture”.

**MOTION:** Witherspoon/Rierson approving a proclamation recognizing Officer Chris Rasmussen for displaying valor and extremely professional actions under significant and potentially deadly circumstances and a proclamation declaring October 1-8 as “Days of Culture”. Motion carried (6 Yes/0 No/1 Absent [Shelton]).

Mayor Andrews presented the proclamation to Officer Chris Rasmussen and Chief Brian Casey gave him a medal of valor for his courage and bravery in a recent officer involved shooting.

Mayor Andrews presented the “Days of Culture” Proclamation to Robin Anderson, Director of the Chehalem Cultural Center.

## VII. PUBLIC COMMENTS

Ms. Pat Haight asked for justification for money being spent on streets at Oxberg Estates with the Crestview Drive expansion. They are outside of the city limits and there is a long list of maintenance projects needing done within the City. She also wanted to know if the City paid for water and sewer systems to the Oxberg Estates, if they are paying for the costs added to the \$861,000.00 paid to the contractor and how soon annexation can be expected of the Oxberg Estates into the City. Mr. Danicic replied no sewer was installed with this project. There is a water line install as part of the looping of the overall system, but with no water or sewer connection to Oxberg Estates and there is no anticipation of services to them.

## VIII. PUBLIC HEARINGS

1. Consider a motion approving **Ordinance No. 2011-2735** establishing provisions pertaining to second-hand dealers and pawn shops.

TIME – 7:31 PM

Mayor Andrews called for conflicts of interest or abstentions; none appeared.

Mr. Terrence Mahr, City Attorney, presented the staff report and recommended approval (see official meeting packet for full report).

Councilor Stephen McKinney asked if there was a fee for the software or a website that involves checking on items purchased. Chief Casey stated there was an annual fee for the software, which they would be paying regardless of this ordinance.

Mayor Andrews opened the public testimony.

Ms. Edie Salmon, Ken & Daughter Jewelers Owner, stated she was not opposed to this ordinance but did not feel there has been enough opportunity for her to look at this and understand how it will affect her business as she does buy gold. She generally deals with the same people and does not buy used items from people she does not know without a copy of their identification. She admits she often has to “go with her gut” and feels there is a lot of gray area here. She did not understand if she would need to get a pawn dealers license or if she even fit into this as a fine jewelry store. She said they deal a lot in consignment sales with contracts and such, but the

sellers maintain ownership of the items for sale; but, as far as a log of why gold is bought or taken in on trade, she does not want to be noncompliant and needs more time to understand her role. She stated she had spoken to Detective Eric Ronning before about this, but she did not even know it was going on the agenda and did not see a copy of the final ordinance to be approved. She requested a little more time to see if she would be compliant with this ordinance.

Councilor Wade Witherspoon asked if she wished for them to postpone their decision. He asked if it does pass, do you think it would be reasonable to find out how this affects you and make those changes. Ms. Salmon said she wants to be compliant and would really like to understand if she is going to have to purchase expensive software to go along with what the police are using before it is passed.

Mayor Andrews closed the public testimony.

Councilor Bart Rierson said he would also like to know about the cost to business owners and what is required of them. Chief Casey stated the cost is \$600.00 for the police; he did not know the cost for the business owner and if sales would need to be monitored electronically or with hardcopies only.

Councilor McKinney said his concerns were for the city's costs and would think the pawn broker would have to make the necessary steps to document what they are buying to avoid stolen goods by reasonable means.

Mayor Andrews stated this would be carried to the second reading on October 17, 2011.

Councilor McKinney said this should have no impairment on our action because they still have to exercise the reasonable search rule; he was prepared to waive the second reading to take care of this tonight.

Councilor Rierson said he would not support waiving the first reading. He was prepared to before the testimony received but now he is curious about the cost to the business owners. Obviously, precautions need to be taken and if the cost is large this makes it difficult to decide without that information. He supports the idea, but information is missing. He wanted to know that they are not imposing something that is unfair to the business owners.

Councilor Ryan Howard said he would also be in favor of the second reading.

Mayor Andrews moved to the second reading with the written record open to remain open.

Mr. Mahr said they have been working with other second hand stores that have opened up and are doing an outreach program to businesses that are normally retail outlets that occasionally buy used merchandise.

2. Consider a motion approving **Ordinance No. 2011-2743** amending the Municipal Code section relating to the Traffic Safety Commission.

TIME – 7:56 PM

Mr. Terrence Mahr, City Attorney, presented the staff report with updates (see official meeting packet for full report).

Mayor Andrews opened the public testimony.

Ms. Lesley Woodruff, Traffic Safety Commission Vice-Chair, said she liked the two changes, but liked the idea of being more involved during the interviewing of applicants and felt it would be nice to get to know them before they are appointed. The commissioners just want to be a part of the process, not necessarily by interviewing them, but somehow involved before they are signed up for a three year term.

Councilor McKinney asked if being a part of the interview process was to advise and consent, or to just help make a better choice. Ms. Woodruff said it would be nice to make a recommendation or to get a feel for the person and give them opportunity to see how things are run if they have never been in a setting like this.

Councilor Howard asked if there is anything now that prevents this. Ms. Woodruff stated they are not part of the process at all, until new faces appear on the commission in January.

Mr. Neal Klein, Traffic Safety Commission Chair, said he shared the same thoughts as Ms. Woodruff and said he saw the Library Board as a model to become the standard for all committees. He said the process is an educational opportunity for current members and candidates alike, speaking of his own experiences during his appointment process when he sat in the audience until he was called to join the group, because he did not know what to do at the first meeting. He said they are not asking to make the choice as to who is selected or ratified by the Council, but they would like to be empowered and involved in the choice, not just for the current members, but for the candidates as well. He did not think it would be to “stack the deck”, but just to try to bring people on board and help them to fit.

Mayor Andrews closed the testimony. Staff recommended passing the code provisions.

Councilor McKinney expressed concern about the standardization process and wondered what the primary goal was versus the committee’s wants and desires.

Councilor Denise Bacon said she likes the way this was written and although she understands the committee’s desires it could end up with all like-minded people, making the committee uncomfortable for others.

Councilor Howard wondered if they had the authority to give the committee members that power as the Charter states the Mayor appoints with the consent of Council. He wondered if there was a way for the Mayor to receive input from the members even by allowing them to just know the candidates. He expressed concern with consistency and the precedence set by the Library Board.

Mayor Andrews said the Library Board is also in the code process and will come back before the Council. He said there are anomalies in how their process evolved unlike the others, which does not mean it is right. He did not think this process was a bad idea before but has become less sympathetic to the recommendation process. He stated no applications have been received so far and they are looking to the committee members to assist with recruiting, through their contacts, to work towards a balance.

Councilor Rierson agreed helping with the recruiting process could be a good way for members to get the people they want to apply.

**MOTION: Witherspoon/McKinney** approving **Ordinance No. 2011-2743** amending the Municipal Code section relating to the Traffic Safety Commission, read by title only. Motion carried (6 Yes/0 No/1 Absent [Shelton]).

## **IX. NEW BUSINESS**

Consider a motion approving **Resolution No. 2011-2972** initiating a zone change, Comprehensive Plan amendment, and lot line adjustments for the Public Safety Building and Newberg Thrift Shop properties.

TIME – 8:15 PM

Mr. Barton Brierley, Planning and Building Director, presented the staff report including a PowerPoint slideshow and recommended adoption (see official meeting packet for full report). He spoke of a zone change

being looked at concerning the Memorial Park gazebo and they may or may not want to make this C-3 or allow parks as permitted use in C-3 zone.

Mayor Andrews opened the public testimony.

Ms. Lolly Peavy, Newberg Charitable Organization (NCO) Treasurer, spoke of their purpose being to meet the health needs of community and the events that lead to their discussion on expansion with city staff. After the discussions occurred, the NCO decided not to pursue this because they do not have the funding. They considered several options, but the amount of space gained would not be worth the tremendous expense of bringing the building into compliance with codes pertaining to the civic corridor. They understood the property would have to go through a zone change as well.

Ms. Marolyn Erb, NCO President, spoke of the committee forming two years ago to examine the costs and options for expansion and ultimately they decided they would keep the thrift shop as it is. She said eventually they may be able to afford an expansion or upgrade, but for now it is better to keep the shop quaint and the prices low. Some of the things they would need to complete to meet standards would be to add wider doors for the Americans with Disabilities Act (ADA) as well as a public restroom; these are two large expenses they do not have the money or people to cover it.

Councilor Howard asked who initiated this process. Staff stated the Newberg Thrift Shop approached the City about possible expansion and based on this there were a few things that needed to be done on both ends; this is something needing to be done on the City's end. It does not have to be done now as there is not a current need to move on their expansion request. Discussions commenced on the need to re-zone the property from a C-3 and Councilor McKinney requested a future work session discussion to consider the goals of the Civic Corridor.

**MOTION: Howard/** to direct staff to change the lot lines and conform without initiating the zone change at this time and plan a work session to address the overall scheme of the south side of the civic corridor. Motion failed for lack of a second.

Mayor Andrews said he supported what Councilor McKinney is trying to do with the work session and he would like to see it as a second piece of action.

**MOTION: Witherspoon/Rierson** approving **Resolution No. 2011-2972** initiating a zone change, Comprehensive Plan amendment, and lot line adjustments for the Public Safety Building and Newberg Thrift Shop properties. Motion carried (6 Yes/0 No/1 Absent [Shelton]).

Ms. Peavey asked for city staff to notify them with the other change occurs. Mayor Andrews stated the city manager will be sure to do that.

## **X. COUNCIL BUSINESS**

TIME – 9:03 PM

Mayor Andrews asked Councilor McKinney if he would like to follow up the discussions on the civic corridor goals in the form of a motion.

**MOTION: McKinney/Witherspoon** to direct staff to begin the process for Council to determine goals for the Civic Corridor. Motion carried (6 Yes/0 No/1 Absent [Shelton]).

Mayor Andrews asked the Council if they would like to pursue a designated parking spot for veterans'. Discussions followed regarding the ability to enforce, possible ramifications for creating parking for special

groups, where to create the veterans' parking, if the action concurs with parking goals, and making the signage available to others who wish to do the same as a symbolic gesture.

**MOTION: Andrews/Rierson** to install a designated veterans' parking spot in the public parking lot on the corner of Blaine Street and Howard Street and to make signs available for local businesses who want to designate veterans' parking spaces as long as they are not in the public right of way. Motion carried (6 Yes/0 No/1 Absent [Shelton]).

A proposed resolution was distributed to the Council regarding support for the Newberg-Dundee Bypass. Mayor Andrews recessed at 9:17 PM to look over the material and reconvened at 9:20 PM.

Discussions followed about Newberg being beneficiaries to the bypass efforts and recognizing shortfalls in funding being assisted through possible grants, hesitations for donating large portions of the increase in gas taxes to help when the future is so unknown for following phases, no guarantees from ODOT regarding less truck traffic on 1<sup>st</sup> Street, acting on such short notice without neighbors knowing about this, possibly supporting the grant efforts without a monetary commitment, and the feasibility of this project at a local level.

**MOTION: Andrews/Witherspoon** approving **Resolution No. 2011-2975** supporting funding efforts for phase one of the Newberg-Dundee Bypass.

**MOTION: Witherspoon/Rierson** amending **Resolution No. 2011-2975** in the first resolve to agree to provide a share as a result of the passage of the Oregon Jobs for Transportation Act (JTA) and eliminating the last line with a specific dollar match. Motion carried (6 Yes/0 No/1 Absent [Shelton]).

**MOTION: Rierson/McKinney** amending **Resolution No. 2011-2975** to remove recital #5 and renumber the 6<sup>th</sup> and 7<sup>th</sup> accordingly. Motion carried (5 Yes/1 No [Witherspoon]/1 Absent [Shelton]).

**VOTE: To approve Resolution No. 2011-2975** as amended. Motion carried (6 Yes/0 No/1 Absent [Shelton]).

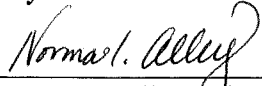
Mr. Danicic asked if the Council was satisfied with his responses to Ms. Haight's questions. Councilor Rierson stated he explained the issue well. Mr. Danicic assured Councilor McKinney one hundred percent of the funding comes from SDCs levied on City of Newberg development and Oxberg Estates is not contributing funds to this project. Mayor Andrews clarified there was ultimately a cost savings and they were strategically taking advantage of this in light of today's economy.

Mayor Andrews recognized City Recorder Norma Alley for her recent election to 2<sup>nd</sup> Vice-President of the Oregon Association of Municipal Recorders (OAMR).

## **XI. ADJOURNMENT**

The meeting adjourned at 10:16 PM.

**ADOPTED** by the Newberg City Council this 7<sup>th</sup> day of November, 2011.

  
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Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 10<sup>th</sup> day of November, 2011.

  
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Bob Andrews, Mayor